

### **Remarks**

Claims 1-3, 6, 7, 9, 10, 13-15, 18, 20-22, 26, 29-37 and 41-43 were rejected in the above-identified final Office Action. In response, Applicants have amended claims 1, 13, 32, 41 and 42. No new matter has been added. Accordingly, claims 1-3, 6, 7, 9, 10, 13-15, 18, 20-22, 26, 29-37 and 41-43 remain pending.

### **Amendments**

Support for the amendments may be found at least on pages 14-15 of the originally-filed Specification.

### **Claim Rejections - 35 USC §102**

On page 7 item 2 of the above-identified Office Action, the Examiner rejected claims 1-3, 6, 7, 9, 10, 13-15, 18, 20-22, 26, 29-37 and 41-43 under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 6,240,555 issued to *Shoff et al.* (hereinafter “Shoff”).

While Applicants respectfully disagree with these rejections, claims 1, 13, 32, 41 and 42 have been amended (without prejudice) in the interest of furthering prosecution of the pending claims.

#### **Claims 1-3, 6, 7, 9, 10, 13-15, 18, 20-22, 26, and 29-37**

In “Response to Arguments” on pages 2-6, the Examiner elaborated further on his reasons for rejecting claim 1. Specifically, the Examiner stated that the timing information disclosed by Shoff as being contained within the digital data retrieved from a target resource read on the tag value recited by claim 1. Applicants respectfully disagree, but have amended claims 1, 13, and 32 to clarify that the recited tag value indicates “a time value within the duration of the video content program and identifies a portion of subsidiary data as being associated with and to be displayed during a time segment of the primary content data.” Support for this amendment may be found e.g., on pg 14, l. 20-24 and pg 15, l. 1-22. Claims 13 and 32 have been similarly amended.

Accordingly, the term “tag value” cannot be read as having been disclosed or suggested by the timing information of Shoff as the Examiner has asserted in page 7 item 2 of the Office Action.

First, Shoff discloses that timing information is contained within digital data retrieved from the target resource through activation of a target specification (which the Examiner also interprets as a tag value). According to Shoff, the retrieved digital data is *then* deconstructed to extract the timing information from the supplemental content. But, if the timing information and supplemental content must be extracted from the digital information, which has already been retrieved through use of a target specification considered by the Examiner as a “tag value” (which Applicants do not concede, as discussed below), *then the “timing information” of Shoff can not possibly be used to retrieve the supplemental content.* Therefore, the timing information of Shoff cannot be the “tag value” as recited in Applicants’ claims.

Second, Shoff teaches that the correlation between the target specification and the supplemental content is provided through the EPG data structure by placing the target specification within the same data record as the program title and other information for a particular program. Nowhere does Shoff teach or suggest using a target specification that includes a time value for a video program – the addition of the time value to the target specification would be unnecessary in Shoff’s method.

Thus, for at least these reasons, Shoff cannot possibly disclose, and even teaches away from, “the tag value identifying a time value for the video content program” and “retrieving the portion of subsidiary data based on the tag value”, as is claimed by claim 1. Because 35 USC §102 rejections require that the reference disclose each and every limitation in as complete of detail as is claimed, Applicants respectfully submit that amended claim 1 is patentable over Shoff.

Amended claims 13 and 32 recite similar language to those of amended claim 1, directed to an article and a system of claim 1, respectively. Thus, claims 13 and 32 are patentable over Shoff for at least the same reasons as claim 1.

Claims 2, 3, 6, 7, 9, 10, 14, 15, 18, 20-22, 26, 29-31, and 33-37 depend from amended claims 1, 13, and 32, incorporating their recitations. Accordingly, claims 2, 3, 6, 7, 9, 10, 14, 15, 18, 20-22, 26, 29-31, and 33-37 are patentable over Shoff for at least the same reasons.

#### Claims 41-43

The Examiner cites Shoff as teaching “determining, by a set-top system, a time elapsed from a scheduled start of a program based on a programming guide including the scheduled start, the program to be displayed over a plurality of time segments; retrieving, by the set-top system, subsidiary data associated with a time segment of the program, the time segment being selected based on the determined time elapsed; and synchronizing, by the set-top system, the retrieved subsidiary data to the time segment of the program for concurrent display with the program during the time segment.” While Applicants disagree with the Examiner’s conclusion, Applicants have amended claim 41 in the interests of furthering prosecution. Amended claim 41 now recites:

determining, by a set-top system, a time elapsed from a scheduled start of a program based on a programming guide including the scheduled start, the program to be displayed over a plurality of time segments;

retrieving, by the set-top system, a portion of subsidiary data including a time period identifier, the portion of subsidiary data being associated with a time segment of the program and being selected based on the determined time elapsed and the time period identifier; and

synchronizing, by the set-top system, the retrieved subsidiary data to the time segment of the program for concurrent display with the program during the time segment.

The passages cited by the Examiner teach away from amended claim 41. Claim 41 recites determining elapsed time based on information from a programming guide

and using elapsed time to retrieve the portion of subsidiary data associated with that time period (see pg 14, l. 20-24, pg 15 l. 1-11).

In sharp contrast, Shoff teaches that supplemental content and the timing information for the synchronization of supplemental content with an associated video content program are contained within digital data obtained from the target resource (see above). In Shoff's method, the target specification (which the Examiner interpreted as a "tag value") within the program guide is used to access a resource, digital data is received from the resource, *and the digital data is then deconstructed to extract the timing information used for synchronization* (see column 10, l. 7-17 and l. 34-37). In relevant part, this section specifies that "this timing information can be implemented in many ways" including measuring from the program start time (which the Examiner equated to "elapsed time" in the Office Action). In other words, Shoff necessarily teaches retrieving the subsidiary data from the target resource and then extracting the timing information from the subsidiary data that allows for synchronization by (according to the Examiner) elapsed time. In no way does Shoff teach or even suggest using elapsed time to *retrieve* subsidiary data.

For at least these reasons, Applicants respectfully submits that amended claim 41 is patentable over Shoff. In addition, claims 42 and 43 depend from claim 41, incorporating its recitations, and are thus also patentable over Shoff. Therefore, Applicants respectfully request reconsideration of all rejections.

**Conclusion**

In view of the foregoing, reconsideration and allowance of all pending claims, 1-3, 6, 7, 9, 10, 13-15, 18, 20-22, 26, 29-37 and 41-43, is respectfully solicited. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,  
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